

Discourses of Accessibility in a Digital Context

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Abstract

This paper is based on early reflections from the ongoing work with my Master's thesis about the present digital terms of accessibility.

Libraries have throughout their history shared a common objective; to make information accessible. This basic activity has been connected to a variety of arguments in different historical situations. But how does one argue (ideologically) for accessibility to information in our present digital surroundings. Based on some earlier research I found that this question has rarely been dealt with or discussed amongst librarians in a substantial manner.

In the thesis I therefore examine argumentation in a selection of modern texts that discuss access to digital information within an open access perspective. The texts originate mainly from four fields of practice; the Free Software movement, the Open Source movement, Creative Commons and the Libre Society.

Digital information implies a way of mass-distribution and an extensive culture of sharing that raises some fundamental questions on the terms of access. My research objects and agents are taking action in the middle of an on-going struggle, between forces that seek to get and maintain control over information in digital formats and forces that seek a continuous process of accessibility and openness. The agents have in common that they suggest different and alternative regimes for licensing intellectual property, but differ in their argumentation on such practices. With a discourse analytical approach I try identify these agents stands regarding digital terms of accessibility.

In this paper I will present the contextual framework of my thesis.

1 Introduction

The Norwegian Law on Public Libraries states some objectives in its first paragraph; The Public Library shall "promote enlightenment, education and other cultural activities by the dissemination of information and by making books and other suitable material available free of charge to all those who live in Norway" (Ronge 2003). The aims, the means and the ideological premise for the main activities (of all kinds of libraries) - the principle of free-of-charge - are being established all in the same sentence.

The wording and content of this specific paragraph has been adapted to various historical regimes of technology and politics since the law became functional in 1935, but it has not been changed fundamentally since 1985. Is this due to the flexibility of the phrases and intentions? Can they be stretched to describe the objectives of the public library after twenty

years of development that amongst other technological phenomena include the widespread diffusion of the Internet?

Generalized concepts like “dissemination of information” and “other suitable material available” seem apparently up to date in a modern digital context. The traditional *promotion of enlightenment* can be replaced by a *dissemination of information* that bridges digital divides, and the traditional physical documents can be replaced by *other suitable (digital) materials available* like e-books and web-based information. But how can the ideological premise of free-of-charge access be adapted to this material, when legal regulations of intellectual property rights related to digital material do not comply with that traditional library value in the same sense as similar regulations for printed material? And how should librarians then perform their task of disseminating information?

Sandberg (2005) has studied the discourse of librarians and other relevant participants in the discussions about a recent revision of the Norwegian law of intellectual property rights. The revision was meant to harmonize the law with EU's InfoSoc Directive and modern ICT development. In the discussions she identifies two major discourses; the discourse of vulnerability and the discourse of (information) democracy (my translations). In the first discourse the author is characterized as vulnerable against the development of technologies making it easy to copy, share and adapt content. The agents in this discourse are more or less defending a traditional production cycle where the author (as a classical genius) is creating his work in isolation and a publishing house is distributing his unique product to a market, e.g. through the public libraries. The second discourse is welcoming the technologies and the newly gained accessibility where “every creator is a receiver, and every receiver is a potential creator” (ibid. s. 105, my translation). In Internet and “web 2.0” alike services they see the structures of a new form of democracy. Nevertheless, Sandberg's research show that (Norwegian) librarians mostly identify with the conservative discourse of vulnerability.

Two fresh controversies from Norway and Germany exemplify some of the uncertainty regarding the activities of librarians in a digital era. In spring 2007 The National Library of Norway (NB) invited their public to share the first results of a major digitization project. The announcement of the project one year earlier raised high expectations; NB was going to be the first national library to present and offer digitized literature not only from public domain-material, but also literature of contemporary authors (Skarstein 2006). At least librarians were eager to see if the process was on schedule. In retrospect the project was criticised for not realising its promises. The criticism was directed against the quantity as well as the quality of the service. NB was for example still negotiating with organisations representing the author's intellectual property rights and the outcome was unclear. A temporary agreement, between NB and six special interest organisations proclaimed some substantial limitations of access; the users of NB's services were not allowed to take prints or to download material to their own computers (Opphavsrett).

The second example is a German (and partly Norwegian) discussion about a platform for dealing with e-books and other types of e-content called DiViBib. This is one of the first lending models and technical platforms available for such material offered to public libraries. The platform is imitating a physical lending model using Digital Rights Management (DRM)-technology to limit access of the content (to secure against copying of the material, that the material gets deleted at the borrowers computer when overdue, and that libraries only can lend out one copy of the same document at the same time). DRM is widely considered a

controversial technology used to control and limit the access to digital material, and it was discussed if these characteristics are suiting in a library environment.

The starting point of my research was my participation in some of the discussions in the (Norwegian) library community on how to solve significant problems regarding digitization and accessibility in a digital era. I found that the discussions did not only lack insight in modern technology and copyright issues, but a great deal of the argumentations seemed to have problems in transforming basic values from the library tradition to a digital and present reality. Realizing this I raised a scientific question for my Master thesis; how does one argue for accessibility in a digital environment? I started to search for the answer outside the library community where I immediately found established lines of argumentation based on existing practices for sharing of information, and I decided to study the lines of argumentation that sprung from a selection of these initiatives.

1.1 Notes on technology and accessibility

Technology can loosely be described as the tools and knowledge humans develop and utilise to satisfy different needs. The development and usage are so to speak directed to a desirable objective. The nature of this objective can be productive, destructive, rational, economical, ideological, entertaining or maybe communicative. The technology implies this nature of it's objective, and as users of modern ICT we directly or indirectly distribute and carry on the objective implied.

Technology is accordingly not neutral, and neither is our choice or usage of it. An example of how this can be manifested in "real life" is Stevenson's (2007) examination of agents in the field of ICT development and their relationship to the phenomenon of digital divides. Amongst the agents examined are Bill and Melissa Gates Foundation (BMGF) and the Free Software Foundation (FSF). "[...] between 1998 and 2004, the BMGF installed 47,200 Internet-ready PCs in almost 11,000 libraries across the U.S. and trained approximately 62,000 library workers for this new service initiative" (ibid.). Simultaneously Bill Gates Microsoft donated US\$250 millions in software to the same purpose. In Stevenson's analysis of the training material that followed the donations, he finds that BMGF probably are advocating their own ideological (and possible economical) interests in presupposing *proprietary* software, such as Microsoft's own products; "From a discursive perspective, the Foundation's conflation of access to "high-quality" computer technology with the need for regular upgrading to ensure quality of service, is representative of the logic which drives the proprietary software business mode" (ibid.). On the contrary we find FSF and their front figure Richard Stallman. They consider the digital divide to be a *symptom* of the proprietary logic. "Part of the digital divide comes from artificial obstacles to the sharing of information. This includes the licenses of non-free software, and harmfully restrictive copyright laws" (Stallman quoted in ibid.). FSF is of course advocating advantages of their own *free* development and distributing model;

[...] free software offers a deeper benefit for education: the knowledge in free software is public knowledge, not secret. The sealed black box of a proprietary software system is designed to keep people in the dark. With free software students can study the software they use, to learn how it works. They can write improvements to the software, and thus learn the craft of software development. (Ibid.)

In the context of this paper it is not important to conclude who is right or wrong in this controversy, but to show that two specific approaches to software products and software

distribution models imply different ideologies. If you choose to use products from Microsoft, you are indirectly carrying on a proprietary logic, in the same way that you are carrying on a logic of collective development and openness by choosing free software. In the end, the technical tool you utilise to reach your objective will influence the effectiveness of your “access” to it.

A possible and general definition of the term accessibility is that

- a) a desired object is within reach of somebody, and
- b) that this somebody can make use of the object to a sufficient extent.

It's not enough to a) retrieve an e-book in the library catalog if you b) don not know how to use it. If you are in possession of such skills, (and the library, due to an agreement regarding intellectual property rights, can lend you the book,) you need the equipment to access a specific file format. First when you actually are reading the e-book, in an understandable language, on your own device, the terms of accessibility are fulfilled. Accordingly the accessibility in a digital context can be seen as a process or a chain of potential limitations.

2 The agents

Since the early eighties, when Richard Stallman launched the idea to develop a new operative system based on what he called “free software”, there has existed a defined opinion in the fields of ICT development and distribution of culture and information. The intention behind using the adjective “free” was not that it should describe something free as in “free beer” (or as in “free of charge”), but something free as in “free speech” (Stallman 2002 s. 41). He later defined the expression more precisely summing up four elements of freedom:

Freedom 0: The freedom to run the program, for any purpose

Freedom 1: The freedom to study how the program works, and adapt it to your needs. (Access to the source code is a precondition for this)

Freedom 2: The freedom to redistribute copies so you can help your neighbor.

Freedom 3: The freedom to improve the program, and release your improvements to the public, so that the whole community benefits. (Access to the sourcecode is a precondition for this.) (ibid.)

Here we find two basic principles; that the source code should be available, and that creator should let others be free to adapt the program. Stallman and his organisation Free Software Foundation (FSF) later launched a license, the GNU General Public License, that build upon these principles. In the early nineties the first operative system based on free software, including a kernel developed by the Finn Linus Torvalds, was ready to use under the name GNU/Linux.

Some years later the programmers Bruce Perens and Eric S. Raymond (with others) proclaimed the need of a lesser confrontational license regime more attractive in a corporate sphere, though formulated in the spirit of the “copyleft” principles. The result was the expression “open-source” and the Open Source Initiative (OSI). OSI offers an Open Source Definition that can be used to determine whether a specific software license is “open-source” or not. There have been controversies between the OSI and FSF on the use of their respectively preferred phrases.

In 2001 the lawyer Lawrence Lessig founded the Creative Commons, an organisational platform to distribute licenses, very much inspired by the Free software movement, but

directed to all kinds of content. Creative Commons is a flexible license system where creators can choose different reservations on the use of their work, e.g. to permit (or not permit) commercial use and adaptations, or to include a copyleft principle of “share alike”. Lawrence Lessig has written several books on cultural commons seen in the light of our present digital era.

Some radical communities, and amongst these the Libre Society, claims that initiatives as the Creative Commons bases their utopia for a sharing culture purely on law and jurisdictions. In “the Libre Manifesto” they proclaim the need for a “real” common based on a natural willingness to share. They have still launched their own proposition for a license that contains the intentionally contradictory statement; “This work is outside of all legal jurisdictions [...]” (Berry & Moss 2006). In comparison to the Creative Commons and their slogan “*some rights reserved*”, the Libre Society proclaims “*no rights reserved*”.

3 The analytical strategy

In my approach to these initiatives I have chosen a discourse analytical strategy based upon the specific “discourse theory” of Ernesto Laclau and Chantall Mouffe (L&M). This theory has a broad focus, and I have mainly used some of their elementary concepts as tools to examine my selected texts. “The overall idea of discourse theory is that social phenomena are never finished or total. Meaning can never be ultimately fixed and this opens up for constant social struggles about definitions of society and identity [...]” (Phillips & Jørgensen 2002 p. 24) In this struggle different agents are fighting to fixate or structure *elements* (concepts, social actions etc.) in a field of discursivity.

Before they are potentially fixed, elements can contain a variety of meanings. They are what L&M describe as *floating signifiers*. When they get tentatively fixed they become *moments* signifying a defined meaning in a totality of relations with other moments; in a discourse. In their principle work “Hegemony and socialist strategy” from 1985 L&M sum up some of their core concepts:

[...] we will call articulation any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice. The structured totality resulting from the articulatory practice, we will call discourse. The differential positions, insofar as they appear articulated within a discourse, we call moments. By contrast, we will call element any difference that is not discursively articulated (Laclau & Mouffe 2001 p. 105).

In preparing for my thesis I have identified articulations in a field of discursivity. To further identify specific argumentations and fixed discourses in this field I'm looking for potential elements and moments through an analysis of selected articulations/texts. Some immediate examples of elements floating in the field of discursivity are expressions like “free”, “open”, “commons” and “libre”, that all carry special meanings (i.e. are representing fixated moments) in the different articulations.

4 Conclusive remarks

Carrying out a discourse analysis it's important to “show your flag”, because in identifying a discourse you are constructing a specific “moment” of reality based upon your own perspective (through the positioning of your eyes). Explaining my own stand I refer to a theoretical perspective worked out by Siva Vaidhyanathan, what he calls Critical Information Studies (CIS). Influenced by the Frankfurt school and their Critical Theory, he outlines an scientific (and political) approach to the study of information and accessibility.

CIS investigates four dynamic fields of scholarly analysis and debate:

- the abilities and liberties to use, revise, criticize, and manipulate cultural texts, images, ideas, and information;
- the rights and abilities of users (or consumers or citizens) to alter the means and techniques through which cultural texts and information are rendered, displayed, and distributed;
- the relationship among information control, property rights, technologies, and social norms; and
- the cultural, political, social, and economic ramifications of global flows of culture and information. (Vaidhyanathan 2006)

In his examination mentioned above Stevenson (2007) has reviewed articles from scientific library journals that in one way or another deals with “free” and “open source” software. He concludes that most of them focuses on technology, administration and specific software useful in libraries. Some of these also examine philosophical aspects, but mostly in an introductory way. To discuss such things as digitization, intellectual property rights and DRM, librarians need to (re)consider their own philosophical and ideological stands. The consideration must be based on the knowledge and values gathered through a long (and proud) tradition of distributing access, but also on an admission of the ever changing times and technological contexts. During the last decades several initiatives have argued and established practices regarding sharing, distributing and dissemination of information in the context of a present digital era. My hope is that a focus on these practices and argumentations, with the librarians traditional struggle for accessibility in mind, can contribute to a ideological debate in the library community.

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